



TESTIMONY OF CHRISTOPHER P. HANKINS

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IN REFERENCE TO RAISED BILL NO. 6326

AN ACT CONCERNING THE RESPONSE OF SCHOOL DISTRICTS AND THE DEPARTMENTS OF EDUCATION
AND CHILDREN AND FAMILIES TO REPORTS OF ABUSE AND NEGLECT

EDUCATION COMMITTEE

WEDNESDAY, FEBRUARY 23, 2011

Members of the Committee:

My name is Christopher P. Hankins. I am legal counsel to the Connecticut Education Association. I am speaking today in reference to Raised Bill No. 6326 and in particular to four aspects of this raised bill.

The first aspect to be addressed is a change in Section 1 of the raised bill, specifically, subsection (g) of Section 10-221d (lines 112 to 121). The change would be to include in subsection (g) only those individuals who are on the child abuse and neglect registry whose appeals have been exhausted and to leave out the names of people whose placement on the registry are still under appeal. The reason for this is that through the appeals process, placement on this registry may be reversed. To include a teacher that has been placed on the registry who has not gone through the appeals process and to subject them to denial of an application for a certificate or a revocation of a certificate would be premature and manifestly unjust to that individual.

The second aspect to be addressed is in Sections 3 and 4 of the raised bill, specifically the creation of a new subsection (e) to Section 17a-101, that of a model mandated reporting policy (lines 246 to 258) and new or revised subsections (e) and (f) to Section 17a-101i, that of training and refresher programs for the accurate and prompt identification and reporting of child abuse and neglect (lines 339 to 365). This is a good idea. Teachers are on the forefront of detecting abuse and neglect and this proposed training and education is beneficial for all concerned.

The third aspect to be addressed is in Section 6 of the raised bill, specifically the proposed addition to Section 10-220 (a) (4) and subsection (f) which requires a school district to keep records of "allegations, investigations and reports" of child abuse by a school employee (lines 431 to 434 and 566 to 573). This proposed addition to Section 10-220 is improper and ill advised. The DCF is already the centralized repository for such documents and safeguards such information within the strictures of Section 17a-28. Access to this information is limited by the DCF and requests for this information are funneled through this entity. It is better to have these documents reside with one entity and only one entity, particularly since this information is only at the level of an unsupported report or allegation.

The last aspect to be addressed is in Section 12 of the raised bill, specifically the references to "reports of competence", "efficiency" and "evaluation of performance" (lines 674 to 676). Any reference to competence, efficiency or evaluation of performance should be deleted from this section. The reason for this is that these documents are evaluative and are not within the purview of the DCF investigative process and are not relevant to a DCF investigation into suspected child abuse or neglect. Records of a teacher that are evaluative in nature are not disclosable under the Freedom of Information Act but records of a teacher's personal misconduct are disclosable (see Section 10-151c). Documents relating to a teacher's misconduct might be relevant to a DCF investigation. Documents relating to a teacher's efficiency as a teacher are not relevant to a DCF investigation and are an impermissible and unwarranted intrusion into how teachers teach.

Thank you.